

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

ANDREW J. ARLOTTA

Plaintiff,

v.

THOMAS RUEGE,

Defendant.

No. 03-CV-252

ORDER

HERNDON, District Judge:

On June 9, 2006, the Court held a probable cause hearing in this matter. During the course of that hearing, counsel for Defendant Ruege made a motion to dismiss. The Court hereby gives notice to the parties that it intends to convert this motion to dismiss into a motion for summary judgment. The Court believes that the parties have had ample opportunity to present arguments and evidence regarding the issue of whether probable cause existed at the time of Plaintiff's arrest. However, parties are invited to submit additional briefs on the issue, if they choose. All briefs shall be submitted **no later than** November 30, 2006.

IT IS SO ORDERED.

Signed this 26th day of October, 2006.

/s/ _____ David RHerndon
United States District Judge